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|--|-----------------|----------------------|-------------------------|------------------|--|
| 09/665,912 | 09/20/2000 | Morihiro Murata | 51270-024 5656 | 5458 | |
| 75 | 7590 11/01/2004 | | | EXAMINER | |
| Roger R Wise Pillsbury-Madison & Sutro LLP | | | PSITOS, ARISTOTELIS M | | |
| 725 South Figueroa Street Suite 1200 | | | ART UNIT | PAPER NUMBER | |
| Los Angeles, CA 90017-5443 | | | 2653 | 19 | |
| | | | DATE MAILED: 11/01/2004 | 4 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

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| within the statutory minimum of thin vill apply and will expire SIX (6) MOt cause the application to become A | reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this communication. BANDONED (35 U.S.C. § 133). |
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| action is non-final. nce except for formal mat | ters, prosecution as to the merits is D. 11, 453 O.G. 213. |
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| Paper No(5) Notice of I | Summary (PTO-413) s)/Mail Date nformal Patent Application (PTO-152) |
| | will apply and will expire SIX (6) MOF, cause the application to become Air date of this communication, even if eptember 2004. action is non-final. Ince except for formal mate fix parte Quayle, 1935 C.E. allowed. The election requirement. The epted or b) objected to drawing(s) be held in abeyandion is required if the drawing framiner. Note the attached are been received. The have been received in Air documents have been at (PCT Rule 17.2(a)). The interview of the certified copies not the copies not the certified copies not the certified copies not the c |

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/9/04 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 1 and 32 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Sawada et al.

With respect to claims 1 and 32, Sawada et al discloses in an optical recording/reproducing system the ability of erasing the appropriate pma (file control data) and subsequently rewriting such back to the pma as desired – see the discussion with respect to figures 3-5 and starting at col. 5 line 62 to col. 6 line 11.

The examiner interprets the control data as inherently comprising of the claimed frame information (disc type) and track no.

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If applicant can convince the examiner that such is not inherently present in the document, then the examiner would rely upon either of the acknowledged prior art or the previously recited Lee patent for teaching such.

It would have been obvious to modify the base system of Sawada et al and modify such with either the acknowledged prior art or Lee, motivation is to use existing disc formats and hence increase the dynamics of the Sawada et al system so as to be backward compatible with existing formats.

2. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Ikeda et al or Lee et al.

With respect to the limitation of claim 2, see Ikeda et al with respect to the reading of the serial number of the disc, hence the disc id, or alternatively as designated in Lee et al figure 4.

It would have been obvious to modify the base system as stated above in paragraph 1, motivation is to place the id frames at the appropriate place in the leading section of the pma area because id information requires less frames that the address information for all the tracks on the disc.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 32 above, and further in view of Takeuchi.

Claim 5 recites the ability of having the rewrite at an appropriate condition. The examiner interprets this as being when an interrupt/power lost, etc. occurs in a composite disc system having volume identification temporarily lost due to system failure(s), and as further taught by Takeuchi, starting at col. 8 line 1 to col. 9 line 32 is appropriately rewritten.

4. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Misaizu et al.

Misaizu et al teaches in this environment the ability of having 10 frames/blocks – see col. 5 lines 50 plus.

It would have been obvious to modify the base system of paragraph 1 above with the additional teaching from Misaizu et al, so as to decrease the processing time, i.e., processing in units of 10 frames.

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Allowable Subject Matter

As noted in the previous OA, claims 4, 8, 12, 18-27,29 and 31 are allowable. Furthermore, claims 33, and 38 and 39 are allowable as well. Nevertheless, as also noted, since claims 4, 8 and 12 are substantially duplicative of each other claims 8 and 12 are objected to under MPEP § 706.03 (k). Appropriate cancellation is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

> Aristotelis M Psitos **Primary Examiner**

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